

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on January 3, 2006 at 7:00 p. m.

Mayor White presiding.

The following members of the Council answered roll call: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Also in attendance were City personnel: City Administrator Richard Underkofler, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Assistant Public Works Director Chris Hartbank, Community Development Coordinator Kyle Gill, Police Chief Larry Metzelaars, Deputy Police Chief David Griffith, Fire Chief Bruce Grafton, and City Clerk Susan O'Brien.

CONSENT AGENDA

Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.

Mayor White seconded by Commissioner Schilling moved to approve the consent agenda consisting of minutes of the regular meeting December 20, 2005; Fire department report for the month of November; payroll and bills for the last half of December; Council Decision Request 2006-551, approving the appointment of Lieutenant Stephen K. Pollum to the rank of Captain in the Police Department effective January 4, 2006; Council Decision Request 2006-552, approving the appointment of Sergeant Raymond E. Hall, Jr. to the rank of Lieutenant in the police Department effective January 4, 2006; Council Decision Request 2006-553, approving the appointment of Officer Jonathan M. Seiler to the rank of Sergeant in the Police Department effective January 4, 2006; Council Decision Request 2006-554, approving sale of surplus police patrol vehicles to Welcome Motors, the highest bidder, for \$10,144; Council Decision Request 2006-555, ratifying Mayor White's appointment of Michael J. Ramage to the unexpired term of Michael W. Martin on the Zoning Board of Appeals, a term expiring April 30, 2006.

Bills and Payroll for the last half of December			
<u>General Fund</u>			
Payroll		\$	224,124.59
Bills		\$	194,237.38
	Total	\$	418,361.97
<u>Hotel Tax Fund</u>			
Payroll		\$	1,392.33
Bills		\$	20,037.42
	Total	\$	21,429.75
<u>Festival Management</u>			
Bills		\$	4,366.00
	Total	\$	4,366.00
<u>Midtown TIF Fund</u>			
Bills		\$	50,000.00
	Total	\$	50,000.00
<u>Capital Project Fund</u>			
Bills		\$	26,053.20
		\$	26,053.20
<u>Water Fund</u>			
Payroll		\$	32,715.11
Bills		\$	166,325.94
	Total	\$	199,041.05

Sewer Fund

Payroll		\$	32,289.10
Bills		\$	416,311.59
	Total	\$	448,600.69

Cemetery Fund

Payroll		\$	2,883.54
Bills		\$	5,897.64
	Total	\$	8,781.18

Motor Fuel Tax Fund

Bills		\$	75,670.26
	Total	\$	75,670.26

Health Insurance

Bills		\$	137,453.12
	Total	\$	137,453.12

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.

Mayor White opened the floor for public discussion. There was no discussion from the floor.

UNFINISHED BUSINESS

Mayor White seconded by Commissioner Ervin moved to adopt Resolution 2006-2632, authorizing an Agreement with Justrite Manufacturing Company LLC (“Justrite”) in which Justrite pledges to hire at least 35 additional full-time employees as a condition of a \$510,000 economic development grant offered by the Illinois Department of Commerce and Economic Opportunity to the City of Mattoon to assist with the cost of infrastructure for a new warehouse to be constructed in the Mattoon Enterprise Park to be leased to Justrite by Agracel, Inc.

**CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2006-2632**

A RESOLUTION AUTHORIZING AN AGREEMENT WITH JUSTRITE MANUFACTURING COMPANY LLC (“JUSTRITE”) IN WHICH JUSTRITE PLEDGES TO HIRE AT LEAST 35 ADDITIONAL FULL-TIME EMPLOYEES AS A CONDITION OF A \$510,000 ECONOMIC DEVELOPMENT GRANT OFFERED BY THE ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY TO THE CITY OF MATTOON TO ASSIST WITH THE COST OF INFRASTRUCTURE FOR A NEW WAREHOUSE TO BE CONSTRUCTED IN THE MATTOON ENTERPRISE PARK TO BE LEASED TO JUSTRITE BY AGRACEL, INC.

BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS that the Mayor is authorized to sign an agreement with Justrite Manufacturing Company LLC, a copy of which is attached and incorporated herein by reference.

Upon motion by Mayor White, seconded by Commissioner Ervin, adopted this 3rd day of January, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner Schilling, Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 3rd day of January, 2006.

/s/ Charles E. White

Charles E. White, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 4th, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to approve Council Decision Request 2006-556, authorizing a \$21,900 contract with Sodemann and Associates, Inc. of Champaign, Illinois for engineering services for a project to interconnect the Charleston and Mattoon water distributions systems.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

NEW BUSINESS

Commissioner Ervin seconded by Commissioner Schilling moved to adopt Special Ordinance 2006-1105, authorizing the mayor and city clerk to sign a \$68,000 purchase agreement with Kimery Holdings LLC to acquire real estate located at 1621 Richmond Avenue (Lot 5 of Block 110 in the Original Town, now City of Mattoon) to be used for future YMCA expansion.

CITY OF MATTOON, ILLINOIS SPECIAL ORDINANCE NO. 2006-1105

AN ORDINANCE AUTHORIZING A \$68,000 PURCHASE AGREEMENT WITH KIMERY HOLDINGS LLC TO ACQUIRE REAL ESTATE LOCATED AT 1621 RICHMOND AVENUE (LOT 5 OF BLOCK 110 IN THE ORIGINAL TOWN, NOW CITY OF MATTOON)

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The mayor and city clerk are authorized to sign a \$68,000 purchase agreement with Kimery Holdings LLC to acquire real estate located at 1621 Richmond Avenue (Lot 5 of Block 110 in the Original Town, now City of Mattoon), a copy of which is attached as an exhibit to this ordinance.

Section 2. The mayor, city clerk and city attorney are authorized to take such other actions and sign such other documents as are necessary to close this real estate acquisition transaction.

Section 3. Expenditures allocable to this ordinance shall be expensed to the Capital Improvement Fund, new General Ledger Account 130-5389-710.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Section 6. The City Clerk shall file a copy of this ordinance with the Coles County Recorder of Deeds together with a request to exempt this real estate from the property tax roll.

Upon motion by Commissioner Ervin, seconded by Commissioner Schilling, adopted this 3rd day of January, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner Schilling, Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 3rd day of January, 2006.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 4th, 2006.
Attachment – Purchase Agreement

REAL ESTATE PURCHASE AGREEMENT

This agreement is made on January _____, 2006 by Kimery Holdings, LLC ("seller"), of 900 South Progress Blvd., P. O. Box 110, Tuscola, Douglas County, Illinois, and City of Mattoon ("purchaser"), of 208 North 19th Street, Mattoon, Coles County, Illinois.

Recitals

1. Seller is the owner of the lot or parcel of real property situated at 1621 Richmond Avenue, Mattoon, Coles County, Illinois, and more fully described as follows:

Lot 5 of Block 110 in the Original Town, now City of Mattoon

The real property consists of a residential site at 1621 Richmond Avenue, Mattoon, with improvements on it as follows: a four unit apartment house. The real and personal property described in this agreement is referred to as "property".

2. Seller desires to sell and purchaser desires to buy property, for the purchase price and on the terms and conditions stated in this agreement.

In consideration of the mutual promises in this agreement, the parties agree:

Section I. Purchase Price and Terms of Payment

The purchase price for property is \$ 68,000.00 which will be paid, less normal prorations and closing costs, at the closing of this transaction.

Section II. Title

Title to property to be conveyed by seller will be good and marketable title, clear of all liens, encumbrances, defects, and burdens.

Title as required in this agreement will be evidenced by a standard form policy of title insurance issued by a title company acceptable to purchaser, doing business in the State of Illinois. The policy will be issued as of the closing date, will be in the amount of the purchase price.

Section III. Costs

The seller will pay the following costs: Seller's portion of the title insurance and search fees, recording fees for any releases of mortgages or other items related to seller, and any charges of seller's attorney for drawing instruments and advising.

The purchaser will pay the following costs: Purchaser's portion of title insurance and search fees, recording fees for the Deed, and charges of purchaser's attorney for drawing instruments and advising.

The real estate taxes will be prorated to the closing date.

Section IV. Insurance

Risk of loss or damage to property by fire, storm, burglary, vandalism, or other casualty, between the date of this agreement and closing, will be and shall remain with seller. No loss or damage will void or impair this contract. If the improvements or personal property, or both, are damaged or destroyed, in whole or in part, by casualty prior to closing, the contract will continue in full force and effect, and purchaser will be subrogated to seller's right of coverage with respect to any insurance carried by seller.

All existing property insurance now in effect must be continued by seller.

Section V. Transfer of Property

Seller will maintain property, including improvements, the personal property described in this agreement, and lawns, shrubs, and trees, in its present condition pending the closing of this transaction, normal and reasonable wear excepted.

Prior to transfer of possession, purchaser will cause property to be cleaned and placed in a neat, sanitary and habitable condition. Property will be transferred to purchaser, as provided in this agreement, in such condition, and clear of all trash, debris and the personal effects, furnishings, and belongings of seller or its tenants.

Prior to the closing and transfer of the property to purchaser, the property shall be empty and there shall be no tenancies or tenants living in the property.

Possession of property will be transferred to purchaser at the closing of sale. All keys will be delivered to purchaser at the time of transfer of possession.

Section VI. Time of Essence; Closing

Time is expressly declared to be of the essence of this contract. The contract must be executed and completed, and the sale closed, on or before February 15, 2006, or otherwise, as the parties agree in writing. If there are tenants still remaining in the property on February 15, 2006, the closing date will be automatically extended, without penalty, until seller has cleared the premises of all tenants. Each party must fully perform all obligations under this agreement to insure closing within the period specified in this agreement, or any extension of the period specified.

Section VII. Remedies of Parties

1. If purchaser fails or refuses to comply with the conditions assumed, or to perform all obligations under this agreement, seller has the right to enforce this contract by appropriate action, including an action for specific performance, or for damages for breach, and retain all money paid or deposited by purchaser pending the determination of that action.
2. If seller fails or refuses to perform its obligations under this agreement, including the furnishing of good title as defined in this agreement and transfer of possession, purchaser may either: (a) cancel the contract and recover all deposits and other amounts paid by purchaser under this agreement, and all expenses paid or incurred; or (b) pursue any remedy available to purchaser, in law or equity, including an action to compel specific performance of this contract, or one for damages for breach, separately or alternatively.

Section VIII. Assignment; Modification; Entire Agreement of Parties Expressed

No right or interest of purchaser under this agreement will be assigned without the prior written consent of seller, which consent will not be unreasonably withheld.

No modification of this contract will be valid or binding unless the modification is in writing, duly dated and signed by both parties.

This instrument constitutes the entire agreement between the parties. Neither party will be bound by any terms, conditions, statements, or representations, oral or written, not contained in this agreement. Each party acknowledges that every promise or representation made by the other party is expressly stated in this agreement. All previous negotiations, statements, and preliminary instruments by the parties or their representatives are merged in this instrument.

Section IX. Signature and Effective Date

This instrument will not be effective as a contract until duly signed by both parties. The above date is the date of execution and effective date of the contract. The date of signature by each party is the above date unless otherwise indicated after the signature.

The Mayor of the City of Mattoon has been authorized by Special Ordinance 2006-1105 to enter into this agreement and execute any an all documents necessary to effectuate the purchase of the property described above.

The parties have executed this instrument on the day and year first above written.

Kimery Holdings, LLC
By Its' _____

City of Mattoon
By Its Mayor

This instrument was prepared by: J. Preston Owen
City Attorney & Treasurer
City of Mattoon
208 North 19th Street
Mattoon, Illinois 61938

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Cline Moved to adopt Ordinance 2006-5212, removing stop signs on 25th Street as it approaches Walnut Avenue and Walnut Avenue as it approaches 25th Street.

**CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2006-5212**

**AN ORDINANCE DIRECTING THE REMOVAL OF TRAFFIC
CONTROL DEVICES WHERE NO LONGER WARRANTED**

WHEREAS, the City of Mattoon's Public Works Department and Police Department have completed traffic studies for each of the intersections in Table A, in accordance with City Ordinance No. 2003-5172; and,

WHEREAS, The intersections in Table A fails to meet the criteria stated in City Ordinance No 2003-5172 for a one-way stop intersection:

Table A: Intersections that fail to meet a One-way Stop criteria

25th Street	stops approaching	Walnut Avenue	from the north
Walnut Avenue	stops approaching	25th Street	from the west

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The following sections of Schedule III of Chapter 74 of the City of Mattoon Code of Ordinances are hereby repealed:

(A) The following intersection will no longer be a one-way stop intersection:

25th Street	stops approaching	Walnut Avenue	from the north
Walnut Avenue	stops approaching	25th Street	from the west

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor White, seconded by Commissioner Cline , adopted this 3rd day of January, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner Schilling, Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 3rd day of January, 2006.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 4th, 2006.

Mayor White opened the floor for discussion. Mayor White explained the right angles of the streets, resulting in the

unwarranted stop signs.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to adopt Ordinance 2006-5213, codifying one-way stop intersections on Fort Worth Way as it approaches Swords Drive; Remington Road as it approaches Dettro Drive and Swords Drive as it approaches Remington Road.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2006-5213

AN ORDINANCE CODIFYING THE LOCATION OF STOP SIGNS BY AMENDING THE PROVISIONS OF CHAPTER OF THE CODE OF ORDINANCES OF THE CITY OF MATTOON, ILLINOIS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Schedule III and Schedule IV of Chapter 74 of the City of Mattoon Code of Ordinances is hereby amended as follows:

SCHEDULE III. STOP SIGNS

(A) Where Stop Signs control the right of way at an intersection.

1) The following intersections are one-way stop intersections:

Fort Worth Way	stops approaching	Swords Drive	from the east
Remington Road	stops approaching	Dettro Drive	from the east
Swords Drive	stops approaching	Remington Road	from the north

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor White, seconded by Commissioner Ervin, adopted this 3rd day of January, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner Schilling, Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 3rd day of January, 2006.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 4th, 2006.

Mayor White opened the floor. Mayor White explained the need for codifying the intersection.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to adopt Resolution 2006-2633, appropriating \$268,000 of Mattoon Motor Fuel Tax Funds for a \$788,000 project for reconstruction of the 9th Street Bridge; the remaining \$520,000 balance of project costs will be financed by Coles County Bridge Rehabilitation & Replacement Funds.

RESOLUTION 2006-2633

**RESOLUTION FOR IMPROVEMENT BY
MUNICIPALITY UNDER THE ILLINOIS
HIGHWAY CODE**

BE IT RESOLVED, by the City Council of the City of Mattoon Illinois that the following described street(s) be improved under the Illinois Highway Code:

Name of Thoroughfare	Route	From	To
S. 9 th Street		Williams	Dakota

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of Preliminary design engineering, removing the existing structure and head walls, new structure and concrete headwalls, contingencies, right of way, utilities, engineering inspection and administration. The existing structure is 77 feet long and 48 feet wide. The new structure will be 86 feet long with the width remaining the same and shall be constructed 48 feet wide and be designated as Section 05-00142-00 BR,
2. That there is hereby appropriated the sum of Two Hundred Sixty Eight Thousand Dollars (\$268,000) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds,
3. That work shall be done by Contract; and

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

I, Susan J. O'Brien clerk in and for the City of Mattoon County of Coles, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Council at a meeting on January 3, 2006.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 4th day of January, 2006.

/s/ Susan J. O'Brien
City Clerk

Mayor White opened the floor for discussion. Mayor White stated the bridge would be constructed in 2007.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Cline moved to approve Council Decision Request 2006-557, authorizing a \$52,215 contract with the Upchurch Group for design engineering services for the reconstruction of the 9th Street Bridge.

Mayor White opened the floor. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to recess to closed session 7:08 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)); the purchase or lease of real property (5 ILCS 120(2)(c)(5)); the price for sale or lease of property (5 ILCS 120(2)(c)(6)); or litigation affecting or on behalf of the City of Mattoon (5 ILCS 120/2(c)(11)): Inquiry whether the City Council would be willing to offer unimproved property at Lake Paradise and Lake Mattoon for sale subject to covenants, conditions and restrictions to protect water quality and public access to the lakes; Appointment of a successor to succeed Commissioner Terry Cook for a term on the City Council expiring with the next municipal election.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Council reconvened from closed session at 7:34 p.m.

Mayor White seconded by Commissioner Ervin moved to appoint Joseph A. McKenzie to succeed Commissioner Terry Cook for a term on the City Council expiring with the next municipal election in April, 2007.

Mayor White opened the floor. The Council reported their decision based from several qualified candidates, determined the interim time would be best filled by a person without political association, explained the major projects of the City in the near future involving the water and water treatment plant as well as Lake Paradise, reflected on Mr. McKenzie's background as a previous City employee, discussed the next municipal election, and taking of the oath and swearing into office on January 4, 2006.

Mayor White declared to motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Council recessed to closed session at 7:38 p.m. to be reconvened January 4th, 5th and 11th at 5:30 p.m. to meet with a citizen advisory committee and conduct phone interviews of applicants for the successor city administrator position.

Council reconvened from closed session at 9:10 p.m. on January 11, 2006.

Mayor White announced in-person meetings with three candidates tentatively on January 19, 20, 23, 24, 26, and 27, 2006. Reception dates are proposed for January 19, 23, and 26, 2006. Dates for touring the City's departments are proposed for January 20, 24, 27, 2006. Times and places of the reception will be announced in the future, pending candidates' notification and availability.

Mayor White seconded by Commissioner Cline moved to adjourned at 9:11 p.m.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

/s/ Susan J. O'Brien
City Clerk